

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ANGELO WILLIAMS,

11 Petitioner,

No. 2:12-cv-2067 KJN P

12 vs.

13 BABCOCK, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner, a federal prisoner proceeding without counsel, has filed an application
17 for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, together with an application to proceed
18 in forma pauperis. Review of the habeas petition indicates that petitioner is challenging the
19 voluntariness of his plea agreement entered in 2005 in the United States District Court for the
20 Eastern District of Virginia, Norfolk Division; petitioner also challenges any procedural bar to
21 this action based on his claim of actual innocence. Petitioner is presently incarcerated at the
22 Federal Correction Institution, in Herlong, California, which is located in the Eastern District of
23 California.

24 Under 28 U.S.C. 2241(d), this court and the United States District Court for
25 Eastern District of Virginia have concurrent jurisdiction. However, any witnesses and evidence
26 necessary for the resolution of the petition, including an assessment whether it is time-barred, are

1 more readily available in the Eastern District of Virginia. Therefore, the undersigned finds that it
2 is more convenient to the parties and witnesses, and in the interests of justice, to transfer this
3 action to the Eastern District Court of Virginia. See 28 U.S.C. §§ 1404(a), 1915 & 2241(d).


4 Accordingly, IT IS HEREBY ORDERED that:

5 1. This action is transferred to the United States District Court for the Eastern
6 District of Virginia, Norfolk Division; and

7 2. This court has not ruled on petitioner's application to proceed in forma
8 pauperis.

9 SO ORDERED.

10 DATED: September 20, 2012

11
12 
13 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

14 will2067.transfer
15
16
17
18
19
20
21
22
23
24
25
26